



IRA HELLER LAW, LLC

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October 27, 2023

VIA EMAIL & ECF FILING

United States Magistrate Judge Edward S. Kiel
Frank R. Lautenberg U.S. Post Office & Courthouse Building
2 Federal Square
Newark, NJ 07102

Re: John Doe v. Baila Sebrow
United States District Court, District of New Jersey
Case No.: 2:21-cv-20706

Dear Magistrate Judge Kiel,

As you are aware, I represent the Defendant in the above referenced matter.

As per the instructions given by Magistrate Judge Kiel in our October 12, 2023, I was to file my client's Answer to the Plaintiff's Amended Complaint by October 20, 2023, and Your Honor's grant of the extra time was greatly appreciated. On October 20, 2023, I made a filing which was intended to include a Motion and the filing of my Answer (Motion for leave to file Counterclaim was under preparation). It was not until I saw that a Motion for Default had been filed that I realized, to my dismay, that the Answer had not been processed. Notwithstanding whatever caused the glitch, I am not going to blame the technology, I take full responsibility. However, in light of the consequences, I respectfully request that Your Honor will accept the filing of Defendant's Answer, as attached.

Thanking Your Honor for your kind assistance in this matter.

Respectfully,

Ira W. Heller, Esq.

cc: Daniel Szalkiewicz, Esq.
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN DOE,

Plaintiff

V.

BAILA SEBROW

Defendant

CASE NUMBER:

2:21-CV-20706-SDW-ESK

Jury Trial: (*check one*) ☒ **Yes** ☐ **No**

AMENDED ANSWER AND

COUNTERCLAIM

DEFENDANTS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT AND
COUNTERCLAIMS

NOW COMES Defendant improperly identified, as Baila Sebrow in several documents filed with this Court and Baila Sebrow in several documents filed with this Court, by and through her attorney, for her Answer to the Amended Complaint filed by “John Doe” with this Court on June 1, 2023, (the “Complaint”), responds thereto as follows:

1. Defendant denies the allegation of paragraph 1, 4, 5, 6, 7, 8, 9, 10, 17, 21, 25-49, 51, 52-85, 87, 89-93, 95-99, 101-125, 140-144, 146-152, 155-162, 164-184, 193, 194, 195, 196, 199, 201, 202, 203, 207, 208, 210, 212-214, 216-224, 226-234 in the Complaint.
2. Defendant lacks sufficient knowledge to admit or deny the allegation of paragraph 11, 13, 14, 18, 19, 20, 23, 24, 50, 86, 88, 94, 100, 126-139, 145, 153, 154, 163, 185, 197, 198, 200, 204-206, 209, 211, 215 in the Complaint and demands strict proof thereof.
3. Defendant admits to the allegation of paragraph 12, 16, 22 in the Complaint.
4. Defendant neither admits nor denies the allegation of paragraph 2, 3, 15, 186-192, 225 in the Complaint.

As and for her affirmative defenses, the Defendant asserts and states as follows:

**FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)**

5. The Complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE
(Unclean Hands)**

6. Each of the alleged causes of action contained in the Complaint is barred by the equitable doctrine of unclean hands.

**THIRD AFFIRMATIVE DEFENSE
(Collateral Estoppel)**

7. Plaintiff is estopped from asserting any of the alleged rights, claims and/or the reliefs it seeks against Defendant as the same is barred by the doctrine of estoppel.

**FOURTH AFFIRMATIVE DEFENSE
(Actions of Third Parties)**

8. Plaintiff is barred from asserting any of the alleged rights, claims and/or the reliefs it seeks against Defendant as they are actions of third parties.

**FIFTH AFFIRMATIVE DEFENSE
(Lack of Damages)**

9. Plaintiff has not suffered any damages as a result of any of the purported actions taken by Defendant, and is barred from asserting any cause of action against Defendant.

**SIXTH AFFIRMATIVE DEFENSE
(Failure to State the Name of a Party)**

10. Plaintiff's Complaint is barred in its entirety as it violates Federal Rule of Civil Procedure 10(a) by failing to state the name of the Plaintiff.

**SEVENTH AFFIRMATIVE DEFENSE
(Lack of Subject Matter Jurisdiction)**

11. Plaintiff's Complaint is barred in its entirety as it violates the requirements of 28 USC 1331 and Article III of the Constitution. Plaintiff's causes of action do not arise out of a Federal question, and therefore, the Court lacks subject matter jurisdiction.

**EIGHTH AFFIRMATIVE DEFENSE
(Lack of Personal Jurisdiction)**

12. Plaintiff's Complaint is barred in its entirety as Defendant was never properly served, and therefore, the Court lacks personal jurisdiction.

**NINTH AFFIRMATIVE DEFENSE
(Laches)**

13. Plaintiff's Complaint is barred in its entirety under the equitable doctrine of Laches.

**TENTH AFFIRMATIVE DEFENSE
(Res Judicata)**

14. Plaintiff is precluded from asserting any of the alleged rights, claims, causes of action and/or the reliefs it seeks against Defendant as the same is barred by the principle of Res Judicata.

**ELEVENTH AFFIRMATIVE DEFENSE
(Improper Purpose)**

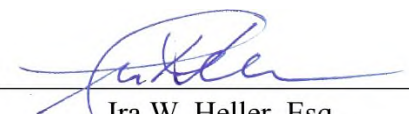
15. Plaintiff's Complaint is barred in its entirety under Federal Rule of Civil Procedure 11

Additional Defenses and Right to Amend Reserved

Defendant hereby gives notice that she may rely on other defenses if and when such defenses become known during the course of litigation, and hereby reserves the right to amend her answer to assert any other defenses as they become known or available.

Date: October 20, 2023

IRA HELLER LAW, LLC

By: 
Ira W. Heller, Esq.